

THE STATE OF NEW HAMPSHIRE

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March 31, 1983

Mr. Harry M. Descoteau
Executive Secretary
New Hampshire Retirement System
169 Manchester Street - Building 3
Concord, New Hampshire 03301

Dear Mr. Descoteau:

By memorandum dated March 17, 1983, you inquired whether the dependent minor children of a group II member of the New Hampshire Retirement System who died while in service are eligible for State-paid group health insurance benefits under RSA 101-A. For the reasons stated below, our answer to your question is "no."

As noted in your memorandum, this office advised you, by letter dated November 19, 1981, on a closely related issue. However, because that opinion focused upon the group health insurance benefits available to the widow of a retired member, it does not resolve the present issue.

The ordinary death benefit for group I and II members who die prior to retirement from a cause unrelated to the performance of their duty is provided for in RSA 100-A:9. That section does not provide for any group health insurance benefits for the widow or beneficiaries of a deceased member. RSA 101-A:6 (Supp. 1981) specifies the groups of people for whom the state is required to pay group health insurance premiums. That section requires those payments only for certain categories of present employees "and each retired employee and his spouse or retired employee's beneficiary, only if an option was taken at the time of retirement and the



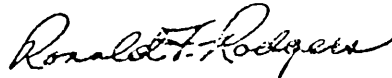
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employee is not now living..." Because the member in question is not a present employee and because he died before he retired, his beneficiaries do not fall into any of the groups eligible for coverage under 101-A:6 (Supp. 1981). Therefore, the state is not required to provide group health insurance coverage for the dependent minor children of a group II member who died while in service.

If I can be of any further assistance, please let me know.

Sincerely yours,



Ronald F. Rodgers
Attorney
Division of Legal Counsel

RFR:rf

Informal Opinion 83-35-I